



## REMARKS

The Examiner has rejected Claims 1-11, and 14-17 under 35 U.S.C. 112, first paragraph, because according to the Examiner "the specification provides no basis for a functional portion for the device." Further, the Examiner rejected the same claims under 35 U.S.C. 112, second paragraph, alleging that the phrase "functional portion" makes the claims indefinite.

Applicant was confused by this rejection since the claims do not recite the phrase "functional portion". This prompted the Applicant to telephone the Examiner. The Applicant appreciates the courtesy the Examiner extended to the Applicant during that phone call in which the Examiner acknowledged that the rejection was in error and that he would remove the finality of the rejection.

Examiner's errant rejection caused the Examiner to conclude that Applicant's previous arguments were moot. Since this is not the case, however, Applicant respectfully refers the Examiner to the arguments made in Applicant's July 25, 2003 Response to the April 28, 2003 Office Action, which the Applicant incorporates herein by reference. Applicant submits that the claims are in condition for allowance at this time and therefore respectfully requests the same.

Applicant would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

Respectfully submitted,

By

  
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